IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 19650 of 2004

Between:

Shameem Begum, D/o.Md.Ismail,
R/o.Madanna pet, Hyderabad.

..... PETITIONER

AND

1 The Deputy Commissioner (Prohibition & Excise), Hyderabad at Nampally,

Hyderabad.
2 The Station House officer, Excise police Station, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ one in the nature of mandamus, while declaring the impugned action of respondent No.1 not modifying the surety by providing alternative surety of title deeds, third party in stead of F.D.R. in response to representation dt. as arbitrary, unjust discriminatory besides violative of fundamental rights and consequently direct the respondent to accept the alternative surity for the release of auto b.bo. A.P.11W-1141, Bajaj make, model, in stead of F.D.Rs seiwed in Cr.No.130/2003- 04 of second respondent.

Counsel for the Petitioner: MR.M.PRAVEEN KUMAR

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following:

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Prohibition and Excise appearing for the respondents and perused the material on record.

As can be seen from the order dated 13.04.2004 in W.P.No.8697 of 2004, this Court while declining to accept the plea of the petitioner for modification of the order passed by the Deputy Commissioner of Prohibition and Excise dated 17.03.2004, whereunder the petitioner was directed to furnish Fixed Deposit for a sum of Rs.30,000/- for release of the seized vehicle, directed that if the petitioner furnishes bank guarantee for the value as directed by the respondent authorities, the first respondent may release the vehicle of the petitioner. The said order has become final. In pursuance of the said order, the Deputy Commissioner of Prohibition and Excise issued the impugned proceedings dated 02.06.2004 directing the petitioner to furnish FDR for a sum of Rs.30,000/-. Now, this writ petition is filed aggrieved by the said proceedings contending that the first respondent ought to have directed release of the vehicle by accepting security by deposit of title deeds or third party security

instead of FDR.

Since this Court has already considered the said request and passed an order in W.P.No.8697 of 2004 directing release of the vehicle on furnishing bank guarantee, it is not open to the petitioner to re-agitate the issue. Accordingly, the writ petition is disposed of making it clear that if the petitioner furnishes Bank guarantee as observed by this Court in W.P.No.8697 of 2004, the vehicle be released in his favour. No costs.

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03.11.2004

VGB

To

1 The Deputy Commissioner (Prohibition & Excise), Hyderabad at Nampally,

Hyderabad.
2 The Station House officer, Excise police Station, Nampally, Hyderabad.

3 2CCs to the Government Pleader for Prohibition and Excise, High

Court Buildings, Hyderabad (OUT)

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